

## AMENDMENT TO CLAIMS

1. (original) An ashtray apparatus, comprising:

- a container including:

- a base; and

- a surround member extending from the base and terminating at an upper edge;

- the base and surround member cooperating to define a cavity having an opening;

- a cap member engageable with the container, to, in turn, cover at least a portion of the opening of the container, the cap member including:

- an engagement rim assembly having an outer surface and an inner surface, defining a gully within which the upper edge of the surround member is positioned, the engagement rim further including at least one cigarette retaining member traversing the inner and outer surfaces;

- a channeling member extending downwardly and inwardly from the engagement rim; and

- a channel extending downwardly from the channeling member;

- a handle assembly including:

- a housing, the housing disposed upon the surround member, and spaced apart from the upper edge thereof so as to substantially facilitate positioning of the upper edge with the gully upon installment of the cap, the housing having an opening to facilitate access thereto; and

- a handle comprising a base having a housing tab attached at a first end thereof and a retaining tab attached at a second end thereof, the housing tab configured for

receipt through the opening of the housing for retention therein, wherein the handle is substantially fixed and substantially precluded from rotation relative to the container in an attached configuration.

2. (original) The ashtray apparatus of claim 1 wherein the cap member further comprises a plurality of cigarette retaining members traversing the inner and outer surfaces of the engagement rim.

3. (original) The ashtray apparatus of claim 1 wherein the channeling member extends uniformly inward and downward.

4. (original) The ashtray apparatus of claim 1 wherein the channel is positioned about a central axis of the surround member.

5. (original) The ashtray apparatus of claim 1 wherein the housing comprises an opposing pair of side walls and an outer wall spanning between the side walls.

6. (original) The ashtray apparatus of claim 5 wherein the housing further comprises a top wall extending between the side walls.

7. (original) The ashtray apparatus of claim 5 wherein the surround member includes an outer surface, the outer wall substantially evenly spaced from the outer surface of the surround member with which it is associated.

8. (original) The ashtray apparatus of claim 5 wherein the base of the handle is positioned one of above the outer wall and below the outer wall.
9. (original) The ashtray apparatus of claim 7 wherein the housing tab of the handle comprises a convex surface configuration.
- 10 (original) The ashtray apparatus of claim 9 wherein the convex surface configuration of handle substantially corresponds to the outer surface of the surround member.
11. (original) The ashtray apparatus of claim 1 wherein the retaining tab extends substantially perpendicular to the base of the handle.
12. (original) The ashtray apparatus of claim 11 wherein the housing tab extends substantially perpendicular to the base of the handle.
13. (original) The ashtray apparatus of claim 12 wherein the housing tab and the retaining tab extend in opposing directions relative to the base of the handle.
14. (original) The ashtray apparatus of claim 1 wherein the base of the handle is substantially planar.

15. (new) An ashtray apparatus, comprising:

- a container including:

- a base; and

- a surround member extending from the base and terminating at an upper edge,

the surround member including an outer surface;

- the base and surround member cooperating to define a cavity having an opening;

- a cap member engageable with the container, to, in turn, cover at least a portion of the opening of the container, the cap member including:

- an engagement rim assembly having an outer surface and an inner surface, defining a gully within which the upper edge of the surround member is positioned, the engagement rim further including at least one cigarette retaining member traversing the inner and outer surfaces;

- a channeling member extending downwardly and inwardly from the engagement rim; and

- a channel extending downwardly from the channeling member, to provide communication with the cavity;

- a handle assembly including:

- a handle being removable, the handle comprising a handle base having a housing tab attached at a first end thereof and a retaining tab attached at a second end thereof, the housing tab including an inner surface and an outer surface, the inner and outer surfaces spaced apart a substantially uniform predetermined distance, the inner surface having an arcuate configuration matching the outer surface of the surround member and substantially orthogonal to the base; and

- an attachment assembly capable of attaching the housing tab in a secured and

abutting relationship with the outer surface of the surround member below the cap member in the attached orientation, such that the handle base extends outwardly from the surround member substantially parallel to the base.

16. (new) The ashtray of claim 15 wherein the base tab and the housing tab are substantially parallel to each other in a vertical direction, such that the a vertical plane defined by each of the base tab and the housing tab do not intersect.

17. (new) The ashtray of claim 15 wherein the base tab and the housing tab are orthogonal to the base.

18. (new) The ashtray of claim 15 wherein the channeling member comprises a funnel shape configuration.

19. (new) The ashtray of claim 15 wherein the attaching assembly includes a housing member which cooperates with the outer surface of the retaining tab, to, in turn, maintain the abutting relationship between the inner surface of the retaining tab and the outer surface of the surround member.

20. (new) The ashtray of claim 15 wherein the housing tab extends in a direction substantially perpendicular to a plane defined by the base.

21. (new) The ashtray of claim 15 wherein substantially the entirety of the inner surface of

the base tab abuts the outer surface of the surround member.